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| 09/737,579      | 12/18/2000  | Tomoko Ishikawa      | 199648US0           | 9891             |

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EXAMINER

NOTE, JANIS L

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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1756

DATE MAILED: 04/04/2003

4/4

Please find below and/or attached an Office communication concerning this application or proceeding.

# BEST AVAILABLE COPY

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## Office Action Summary

Application No.

09/737,579

Applicant(s)

ISHIKAWA et al

Examiner

J. DOTE

Group Art Unit

1756

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- ☒ Responsive to communication(s) filed on 1/23/03
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1-1; 453 O.G. 213.

### Disposition of Claims

- ☒ Claim(s) 1-56 is/are pending in the application.
- Of the above claim(s) 1-26, 31, 33, 35, 36, 39, 41, 43, 45-56 is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 27-30, 32, 34, 37, 38, 40, 42 is/are rejected.
- ☒ Claim(s) 44 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

### Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☒ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☒ All ☐ Some\* ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

### Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

1. The examiner acknowledges the amendments to claims 27 and 28 filed in Paper No. 13 on Jan. 23, 2003. Claims 1-56 are pending.

Claims 1-26, 31, 33, 35, 36, 39, 41, 43, 45, and 46-56 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicants timely traversed the restriction (election) requirement in Paper No. 10 filed May 30, 2002.

2. In the letter addressed "Request for extension of time under 37 CFR section 1.136(a)," filed on Jan. 23, 2003, applicants' representative authorized the Office to charge any additional fee to the Deposit Account 15-0030. A fee of \$180.00 as set forth in 37 CFR 1.17(p) was charged to the deposit account, such that applicants' submission, i.e., copies of the claims and abstract in copending US application 09/736,150, is in compliance with 37 CFR 1.97(c). This fee was necessary because applicants did not file a statement as set forth in 37 CFR 1.97(e) stating that the information provided in Paper No. 13 (i.e., the claims and abstract in the copending application) was not known to applicants more than three months prior to the filing date of the information.

Copies of the claims and abstract in copending US application 09/736,150, provided by applicants in Paper No. 13, have been considered by the examiner.

The Japanese Patent 10-26842, deleted by the examiner on the form PTO-1449 filed on Dec. 18, 2000, attached to Paper No. 7, has now been considered by the examiner. The examiner has listed that reference on the attached form PTO-892. Applicants in Paper No. 13, page 9, lines 19-22, stated that US 5,849,456, which is listed on the form PTO-1449 filed on Dec. 18, 2000, is the US equivalent of JP'842. (The examiner notes that the DERWENT abstract describing JP'842 previously provided by applicants was not clearly identified as that of JP'842 and was also incomplete.)

3. The objection to the drawings set forth in the office action mailed Jul. 13, 2002, Paper No. 11, paragraph 3, has been withdrawn in response to applicants' comments in Paper No. 13, page 9, lines 13-14, that reference signs 1 through 7 are defined in the instant specification at page 6, lines 15-23.

The objection to the specification set forth in Paper No. 11, paragraph 5, has been withdrawn in response to the replacement paragraph at page 24, line 18, of the specification, filed in Paper No. 13.

The rejection of claim 28 under 35 U.S.C. 112, second paragraph, set forth in Paper No. 11, paragraph 7, has been withdrawn in response to the amendment to claim 28.

The objections to claims 27 and 28 set forth in Paper No. 11, paragraph 8, have been withdrawn in response to the amendments to claims 27 and 28.

The rejections of claims 27, 29, 32, 34, and 40 under 35 U.S.C. 102(e)/103(a) over US 6,177,233 B1 (Hashimoto), and of claims 37, 38, and 44 under 35 U.S.C. 103(a) over Hashimoto combined with the other cited references, set forth in Paper No. 11, paragraphs 13-15 and 17, respectively, have been withdrawn for all the reasons set forth by applicants in Paper No. 13, pages 7-8.

4. The disclosure is objected to because of the following informalities:

The use of trademarks, e.g., Coulter Counter Multisizer II [sic: COULTER COUNTER MULTISIZER II] at page 54, lines 15-16, has been noted in this application. The trademarks should be capitalized wherever they appear and be accompanied by the generic terminology. This example is not exhaustive. Applicants should review the entire specification for compliance.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be

respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Appropriate correction is required.

Applicants' arguments filed in Paper No. 13 have been fully considered but they are not persuasive. Applicants argue there is no requirement in the regulation that all trademarks be capitalized.

The identification of trademarks by capitalizing each letter of the mark is a requirement of the US Patent & Trademark Office. See MPEP 608.01(V) (Rev. 1, Feb. 2003), in particular page 600-84, col. 1, lines 33-41. Accordingly, the objection stands.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 27-30, 32, 34, and 40 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over US 2002/0028402 A1 (Matsuoka).

Matsuoka discloses a negatively chargeable toner comprising toner particles comprising a binder resin, a colorant, and paraffin wax. See Table 2, the yellow toner of example 1, and paragraph 0126. The binder resin comprises a linear and non-linear polyester resins. The paraffin wax has a melting point of 85°C, which is within the range of 30 to 100°C recited in instant claim 32. The wax is present in an amount of 4.95 wt% based on the weight of the binder resin. The amount of 4.95 wt% is within the range of from 1 to 35 parts recited in instant claim 34. (The amount of 4.95 wt% is determined from the data presented at paragraph 0115.) The toner has a volume-average particle size of 7.8  $\mu\text{m}$ , which is within the range of from 4 to 10  $\mu\text{m}$  recited in instant claim 29. The wax is dispersed in the binder resin having a dispersed particle size (or diameter) of 0.8  $\mu\text{m}$ . The particle size of 0.8  $\mu\text{m}$  is within the particle size ranges recited in instant claims 28 and 30. The wax particles are present on the surface of the toner particles in an amount of 4.2 wt% based on the total weight of the wax present in the

toner. See Table 2. This amount of 4.2 wt% corresponds to an amount of 0.21 wt% of wax particles based on the total weight of the binder resin. The surface of the toner particles is defined as a layer extending from the top of the toner particle to a depth of 0.1  $\mu\text{m}$  as shown as  $d_2$  in Fig. 2. Paragraph 0059.

Matsuoka does not explicitly disclose that the releasing agent particles have a half-width of 0.06  $\mu\text{m}$  or less. Nor does Matsuoka disclose that the wax particles are present in the toner in the ratio recited in instant claim 27. However, as discussed above, the amount of wax particles present in the toner particles within the surface of the toner particles to a depth of 0.1  $\mu\text{m}$  is 4.2 wt% based on the total weight of wax present in the toner particles, which corresponds to an amount of 0.21 wt% based on the total weight of the binder resin. The amount of wax present in the toner particles outside of the surface layer is about 4.74 wt% based on the weight of the binder resin. As seen in Fig. 2, the number of particles of releasing agent in the surface layer of 0.1  $\mu\text{m}$  is much less than the number of particles at a depth of 0.1  $\mu\text{m}$  and more.

In addition, the instant specification at page 49, lines 4-11, discloses that when the toner particles of the invention are made by agglomerating and fusing resin encapsulated wax particles, the wax particles in the resulting toner particles are "considered substantially to maintain the particle diameter



at a time when present" in the resin encapsulated wax particles. In other words, the wax particles dispersed in the toner particles have the same or substantially the same particle size as the wax particles present in the resin encapsulated wax particles before agglomeration and fusion. The instant specification also shows that toner particles made by agglomerating and fusing said resin encapsulated wax particles can comprise wax particles having a half-width number-average particle size of 0.06  $\mu\text{m}$  or less and dispersed in the toner particles as recited in instant claim 27. Instant specification, example 1. Such toner particles can be fixed over a temperature range of 130 to 220°C, have excellent antiblocking characteristics, and provide OHP transparencies having a transmission of 70%. Specification, table at page 132, example 1.

Matsuoka discloses that the initial wax particles used to make his toner particles have an initial average particle size of 0.81  $\mu\text{m}$ . Paragraph 0113, line 15. As discussed above, the average wax dispersion particle size in Matsuoka's toner particles is 0.80  $\mu\text{m}$ . See Table 2, yellow toner. Matsuoka discloses that his toner particles provide OHP transparencies having a transmission of 80%, have good anti-thermal blocking characteristics, and can be fixed from a range of 130 to 200°C without offset. See Table 3, yellow toner. In summary,

Matsuoka's toner (1) meets the compositional limitations and physical limitations (toner and wax average particle sizes) recited in the instant claims, (2) has a small relative amount of wax particles in the surface layer of 0.1  $\mu\text{m}$  of the toner particles, (3) is made by a method where the particle size of the wax particles dispersed in the toner particles is substantially the same as the particle size of the initial wax particles used in making the toner particles, and (4) appears to have properties that are similar or substantially similar to those of toner particles comprising wax particles that meet the particle size distribution and location limitations recited in instant claim 27. Accordingly, it is reasonable to presume that Matsuoka's wax particles dispersed in the toner particles have the particle size distribution and location limitations recited in instant claim 27. The burden is on applicants to prove otherwise. In re Fitzgerald, 205 USPQ 594 (CCPA 1980).

8. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuoka combined with US 5,213,932 (Shimazaki).

Matsuoka discloses a toner as described in paragraph 7 above, which is incorporated herein by reference.

Matsuoka does not exemplify a toner comprising a magenta colorant as recited in the instant claim. However, the

reference discloses that its toner may comprise a magenta color. Matsuoka, paragraph 0066.

Shimazaki discloses a magenta colorant comprising a mixture of 40 to 60 parts by weight of rhodamine dye C.I. Solvent Red 49 and 60 to 40 parts by weight of C.I. Pigment Red 48, compound (2). Shimazaki, col. 2, line 55, to col. 3, line 11. Compound (2) meets the limitations of formula (1) recited in instant claim 37. Shimazaki discloses that toners comprising said magenta colorant have good weatherability properties, such as good light fastness and heat-resistance. Shimazaki also discloses that said toners provide clear magenta toner images and satisfactory hue. Col. 1, lines 51-55, and col. 4, lines 54-55.

It would have been obvious for a person having ordinary skill in the art, in view of the teachings of Shimazaki, to use Shimazaki's magenta colorant as the colorant in the toner disclosed by Matsuoka, because that person would have had a reasonable expectation of successfully obtaining a magenta toner having the benefits disclosed by Shimazaki.

9. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuoka combined with Japanese Patent 59-165069 (JP'069), as evidenced by the USPTO English-language translation of JP'069.

Matsuoka discloses a toner as described in paragraph 7 above, which is incorporated herein by reference.

Matsuoka does not disclose the use of a magenta colorant as recited in the instant claims. However, the reference discloses that its toner may comprise a magenta color. Matsuoka, paragraph 0066.

JP'069 discloses a magenta colorant that meets the limitations of formula (2) recited in instant claim 38. Translation, page 4, line 5. JP'069 discloses that toners comprising said magenta colorant have the required characteristic for color electrophotography, e.g, high transparency, and provide stable images to heat and light. See JP'069, table at page 525; example 1; and translation, pages 5-6.

It would have been obvious for a person having ordinary skill in the art, in view of the teachings of JP'069, to use JP'069's magenta colorant as the colorant in the toner disclosed by Matsuoka, because that person would have had a reasonable expectation of successfully obtaining a magenta toner having the benefits disclosed by JP'069.

10. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuoka combined with US 5,547,802 (Kawase).

Matsuoka discloses a toner as described in paragraph 7 above, which is incorporated herein by reference.

Matsuoka does not disclose that his toner particles have a ratio of volume-average particle diameter to number-average diameter as recited in instant claim 42.

Kawase discloses that in order to obtain images with excellent dot reproduction and sharpness, it is preferable that the volume mean diameter ( $D_v$ ) of the toner particles be in the range of 3 to 9  $\mu\text{m}$ , and that the ratio ( $D_v/D_p$ ) of the volume mean particle diameter ( $D_v$ ) to the number-average particle ( $D_p$ ), be in the range of 1.00 to 1.15. Col. 18, lines 50-54. As discussed in paragraph 7 above, Matsuoka's toner particles have a volume-average particle size of 7.8  $\mu\text{m}$ , which is within the teachings of Kawase.

It would have been obvious for a person having ordinary skill in the art, in view of the teachings of Kawase, to adjust through routine experimentation the particle size of Matsuoka's toner particles such that Matsuoka's toner particles have a ratio of  $D_v/D_p$  of from 1 to 1.15 that meets the limitation recited in instant claim 42, because that person would have had a reasonable expectation of successfully obtaining a toner that provides images with excellent dot reproduction and sharpness.

11. Applicants' arguments filed in Paper No. 13 with respect to the rejections over Matsuoka set forth in paragraphs 7-10, supra, have been fully considered but they are not persuasive.

Applicants assert that the "half value width" of Matsuoka's wax particles is much larger than 0.06  $\mu\text{m}$  for the following reasons:

(1) Applicants argue that Fig. 2 in Matsuoka shows a distribution of releasing agent particles' dispersion diameters (d1) that is relatively wide.

(2) According to applicants, the range of 0.1 to 2  $\mu\text{m}$  of dispersed particle diameter disclosed in Matsuoka, paragraph 0060, is much wider than the 0.06  $\mu\text{m}$  maximum recited in instant claim 27.

(3) Applicants note that in the rejection in paragraph 7, supra, the examiner refers to page 49, lines 4-11, of the instant specification. Applicants state that "[h]owever, intermediately thereafter [i.e., page 49, lines 11-24], Applicants describe that where a particulate wax is co-agglomerated with primary polymer particles, the distribution of the number-average particle diameter of the particle wax becomes wider." Applicants also refer the reader to reference synthesis example at page 125 of the instant specification. Applicants state that in that reference synthesis example, "the number-average particle diameter of particular wax observed was 201 nm, which was relatively small compared to average particle diameter of the same in the wax dispersion 15, and a half value width of the

number-average particulate diameter in the toner was 100 nm, or 0.1  $\mu\text{m}$ ."

Applicants' reasons (1) and (2) are not persuasive because applicants have mis-interpreted Matsuoka in both cases. There is no evidence that Fig. 2 is representative of the size distribution of the dispersed wax (i.e., releasing agent) particles in the yellow toner in Matsuoka's example 1. Matsuoka discloses that Fig. 2 is "a schematically typical view showing toner particles in section." Matsuoka, paragraph 0026.

Applicants have not pointed to any evidence that the schematic view accurately represents the wax particle size distribution in Matsuoka's yellow toner. Furthermore, the range of 0.1 to 2  $\mu\text{m}$  disclosed in Matsuoka, paragraph 0060, does not refer to the "half value width" of the distribution of diameters of the releasing agent particles present in any specific toner example. Nor does the range of 0.1 to 2  $\mu\text{m}$  refer to the distribution of particle diameters of the dispersed releasing agent particles present in any specific toner example. Rather, the range of 0.1 to 2  $\mu\text{m}$  refers to a preferred range of the average particle size of the releasing agent dispersed in the toner. This is similar to the recitation in instant claim 30, which recites that the particular wax has "a volume-average particle diameter of from 0.01 to 2  $\mu\text{m}$ ." As discussed in the rejection in paragraph 7, supra, the wax the yellow toner in Matsuoka's example 1 has an

average dispersed particle size of 0.80  $\mu\text{m}$ . Matsuoka does not thereby disclose that the wax particles in the yellow toner in example 1 are present in a specified range of particle sizes. Furthermore, applicants' assertion that Matsuoka's determination of the dispersed wax particle diameter is significantly different from that recited in instant claim 27 is incorrect. In example 1 of the instant specification, the specification states that the particle size and the half value width based on the number-average particle diameter of the particulate wax were determined by slicing the toner into a slice having a thickness of 80 nm and then photographing the slice by a "transmission type electron microscope" (TEM). See Fig. 7 of the instant specification. The number-average particle diameter and half value width were determined from the photograph. See page 64, line 24, to page 65, line 16. Matsuoka discloses that its average wax dispersion particle diameter is determined by slicing a toner into a slice having a thickness of 1,000 Angstroms (i.e., 100 nm) and observing the slice with a "transmitted light-type microscope." Matsuoka, paragraph 0054. In any event, the question is whether the wax particles dispersed in the yellow toner in Matsuoka's example 1 possess a half value width of 0.06  $\mu\text{m}$  or less as recited in instant claim 27. Applicants have not shown that Matsuoka's yellow toner does not possess this parameter.



Applicants' reason (3) is not persuasive because the instant specification at page 49, lines 11-24, does not disclose that particular wax co-agglomerated with polymer particles necessarily leads to a half value width of wider than 0.06  $\mu\text{m}$ , as urged by applicants. Rather, the specification at page 49, lines 11-15, discloses that "[i]n the case where a particular wax is co-agglomerated with primary polymer particles, the particular wax sometimes can be preferentially fusion-bonded with each other in the course of the co-agglomeration . . . the wax particle diameter from the initial particle diameter to a fairly large particle diameter resulted from repeated fusing-bonding of multiple wax particles. Accordingly, the distribution of the number-average particle diameter of the particulate wax . . . where the particulate wax and primary polymer particles are co-agglomerated is wider than that in the case where primary polymer particles obtained by seed polymerization are agglomerated" (emphasis added). Furthermore, it is not clear why applicants refer to the reference synthesis example at page 125 of the instant specification. The reference synthesis example at page 125 discloses a toner comprising dispersed wax particles having a half value width of 100 nm, which is larger than the value of 0.06  $\mu\text{m}$  recited in instant claim 27. However, the reference example does not support the disclosure at page 49, lines 11-24, urged by applicants, that when the particulate wax

co-agglomerated with primary polymer particles, the dispersed wax has a larger particle diameter than the initial wax particle diameter. In the reference example, the particulate wax has an initial average particle diameter of 290 nm. However, after the particulate wax is dispersed in the toner, it has an average wax dispersion diameter of 201 nm, which is much smaller than the initial value of 291 nm.

In addition, the reference synthesis example at page 125 of the instant specification is not a probative comparison to the yellow toner in Matsuoka's example 1. As discussed in the rejection in paragraph 7 above, the yellow toner in Matsuoka's example 1 has an average wax dispersion particle size of 0.80  $\mu\text{m}$ , which is substantially the same as average particle size of 0.81  $\mu\text{m}$  of the initial wax particles used to make the yellow toner. In addition, Matsuoka's yellow toner is not made in the same manner as the reference synthesis example at page 125 of the instant specification. For example, Matsuoka's yellow toner is obtained by agglomerating polymer particles comprising a linear polyester resin and non-linear polyester resin, not polymer particles comprising a styrene-acrylate copolymer as used in the reference synthesis example. Nor does Matsuoka heat its agglomeration to 95°C, which is higher than the Tg of 71°C of the polymer particles of the reference synthesis example, as disclosed in the reference example. In contrast, Matsuoka

discloses that when the heating temperature to remove solvent "largely exceeds the Tg [of the binder resin], toners are probably fused each other, which is undesirable." Matsuoka, paragraph 0085. Furthermore, as discussed in the rejection in paragraph 7, supra, the yellow toner in Matsuoka's example 1 appears to have properties that are similar or substantially similar to those of toners that meet the particulate wax particle size distribution and location limitations recited instant claim 27. Specially, Matsuoka's yellow toner can be fixed over a temperature range of 130 to 200°C, has good antiblocking characteristics, and provides OHP transparencies having a transmission of 80%. Moreover, Matsuoka's fixing temperature range was determined using an oil-less fixing device that is similar to the fixing device used in example 1 of the instant specification. See the instant specification, page 56, lines 3-14.

Thus, for the reasons discussed above and in the rejection in paragraph 7 above, applicants have not shown that the yellow toner in Matsuoka's example 1 does not have the wax particulate particle size distribution and the location limitations recited in instant claim 27. Accordingly, the rejections over Matsuoka stand.

12. Claim 44 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Matsuoka, alone or combined with the other references cited in the rejections in paragraphs 7-10, supra, does not suggest or teach toners having a 50% circular degree of from 0.95 to 1 recited in instant claim 44.

13. This application contains claims 1-26, 31, 33, 35, 36, 39, 41, 43, 45, and 46-56 drawn to an invention nonelected with traverse in Paper No. 10. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144). See MPEP § 821.01.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire


on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janis L. Dote whose telephone number is (703) 308-3625. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Mark Huff, can be reached on (703) 308-2464. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9311 (Rightfax) for after final faxes, and (703) 872-9310 for other official faxes.

Any inquiry of papers not received regarding this communication or earlier communications, or of a general nature or relating to the status of this application or proceeding should be directed should be directed to the Customer Service Center of Technology Center 1700 whose telephone number is (703) 306-5665.

JLD  
April 2, 2003

  
JANIS L. DOTE  
PRIMARY EXAMINER  
GROUP 1553  
1700